# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## CRIMINAL MISC.APPLICATION No. 1883 of 2007

**For Approval and Signature:**

**HONOURABLE MS.JUSTICE H.N.DEVANI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**AMITKUMAR VISHNUPRASAD GAJJAR - Applicant(s)**
**Versus**
**STATE OPF GUJARAT & 1 - Respondent(s)**

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**Appearance :**
MR YH VYAS for the petitioner
MR MR MENGDEY, ADDL. PUBLIC PROSECUTOR for Respondent No.1
MR YF MEHTA for Respondent : 2,

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**CORAM : HONOURABLE MS.JUSTICE H.N.DEVANI**

**Date : 28/11/2007**

**ORAL JUDGMENT**

1. By this petition under Section 482 of the Code of Criminal Procedure, 1974 (the Code), the petitioner seeks quashing of a criminal complaint bearing Inquiry Case No.69/06 which was initially filed before the Metropolitan Magistrate, Ahmedabad which later got converted into M.Case No.1/2006 before the Navrangpura Police lodged by one Bhavanbhai Nathubhai Desai.

2. It appears that the complaint arose out of some property dispute and there were allegations of forcible eviction of the property in question. However, with passage of time and intervention of other mediators, disputes have been resolved between the parties. The complainant has filed a detailed affidavit stating, inter alia, that all the disputes are settled. Apparently, some civil proceedings were also instituted by the erstwhile occupier of the property. Such proceedings have also been withdrawn. The aforesaid position is not disputed by any of the learned advocates appearing for the parties. It is jointly stated that in view of these developments, criminal proceedings may be quashed. It is submitted by the learned advocates appearing for the petitioners as well as the original complainant that no useful purpose will be served in surviving the criminal case.

3. This Court has also heard Mr.M.R.Mengdey, learned Additional Public Prosecutor for the respondent – State of Gujarat.

4. In view of the developments noted hereinabove and in view of the affidavit of the complainant and the petitioner which are ordered to be taken on record, and the statements and submissions of the learned advocates appearing for the parties, this Court is of the view that the petition is required to be allowed.

5. In the result, the petition succeeds and is, accordingly, allowed. The Complaint M.Case No.1 of 2006 is hereby quashed. Rule is made absolute accordingly.

[HARSHA DEVANI, J.]

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